

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4644

BY DELEGATES FOSTER, KIMES, AND STEELE

[Introduced February 11, 2022; Referred to the Committee
on Government Organization]

1 A BILL amend and reenact §19-16A-14 of the Code of West Virginia, 1931, as amended, relating
2 to agriculture and the West Virginia Pesticide Control Act; and exempting from the
3 requirement of an annual pesticide business license for persons applying products that
4 are generally available through retail sale at groceries, drug stores and other stores
5 offering a broad variety of consumer products.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16A. WEST VIRGINIA PESTICIDE CONTROL ACT.

§19-16A-14. Exemptions.

1 (a) Veterinarian exemption. -- The provisions of §9-16A-7 of this code relating to licenses
2 and requirements for their issuance do not apply to a doctor of veterinary medicine applying
3 pesticides to animals during the normal course of his or her veterinary practice: *Provided*, That
4 he or she is not regularly engaged in the business of applying pesticides for hire amounting to a
5 principal or regular occupation and does not publicly hold himself or herself out as a pesticide
6 applicator.

7 (b) Farmer exemption. -- The provisions of §9-16A-7 of this code article relating to licenses
8 and requirements for their issuance do not apply to any farmer applying pesticides for himself or
9 herself or with ground equipment or manually for his or her farmer neighbors: *Provided*, That he
10 or she:

11 (1) Operated farm property and operates and maintains pesticide application equipment
12 primarily for his or her own use;

13 (2) Is not regularly engaged in the business of applying pesticides for hire amounting to a
14 principal or regular occupation and that he or she does not publicly hold himself or herself out as
15 a pesticide applicator; and

16 (3) Operates his or her pesticide application equipment only in the vicinity of his or her
17 own property and for the accommodation of his or her neighbors.

18 (c) Experimental research exemption. -- The provisions of §9-16A-7 of this code relating

19 to licenses and requirements for their issuance do not apply to research personnel applying
20 pesticides only to bona fide experimental plots.

21 (d) Products generally available exemption.-- The provisions of §9-16A-7 of this code
22 relating to licenses and requirements for their issuance do not apply to the use, application, or
23 administration, by unlicensed persons whether for compensation or not, of lawn care products or
24 pest control products that are generally available through retail sale at groceries, drug stores and
25 other stores offering a broad variety of consumer products.

NOTE: The purpose of this bill is to exempt from the requirement of an annual pesticide business license for persons applying products that are generally available through retail sale at groceries, drug stores and other stores offering a broad variety of consumer products.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.